SECOND REGULAR SESSION

SENATE BILL NO. 1076

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

4336S.02I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 161.097, 167.268, 167.640, 167.645, and 170.014, RSMo, and to enact in lieu thereof seven new sections relating to literacy and reading instruction.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 161.097, 167.268, 167.640, 167.645,

- 2 and 170.014, RSMo, are repealed and seven new sections enacted
- 3 in lieu thereof, to be known as sections 161.097, 161.241,
- 4 167.268, 167.640, 167.645, 170.014, and 186.080, to read as
- 5 follows:

161.097. 1. The state board of education shall

- 2 establish standards and procedures by which it will evaluate
- 3 all teacher training institutions in this state for the
- 4 approval of teacher education programs. The state board of
- 5 education shall not require teacher training institutions to
- 6 meet national or regional accreditation as a part of its
- 7 standards and procedures in making those evaluations, but it
- 8 may accept such accreditations in lieu of such approval if
- 9 standards and procedures set thereby are at least as
- 10 stringent as those set by the board. The state board of
- 11 education's standards and procedures for evaluating teacher
- 12 training institutions shall equal or exceed those of
- 13 national or regional accrediting associations.
- 14 2. There is hereby established within the department
- 15 of elementary and secondary education the "Missouri Advisory
- 16 Board for Educator Preparation", hereinafter referred to as

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

"MABEP". The MABEP shall advise the state board of education and the coordinating board for higher education regarding matters of mutual interest in the area of quality educator preparation programs in Missouri. The MABEP shall include at least three active elementary or secondary classroom teachers and at least three faculty members within approved educator preparation programs. The classroom teacher members shall be selected to represent various regions of the state and districts of different sizes. The faculty representatives shall represent institutions from various regions of the state and sizes of program. MABEP shall hold regular meetings that allow members to share needs and concerns and plan strategies to enhance teacher preparation.

- 3. Upon approval by the state board of education of the teacher education program at a particular teacher training institution, any person who graduates from that program, and who meets other requirements which the state board of education shall prescribe by rule, regulation and statute shall be granted a certificate or license to teach in the public schools of this state. However, no such rule or regulation shall require that the program from which the person graduates be accredited by any national or regional accreditation association.
- 4. The state board of education shall, in consultation with MABEP, align literacy and reading instruction coursework for teacher education programs in early childhood, kindergarten to fifth grade elementary teacher certification, middle school communication arts, high school communication arts, and all reading and special education certificates to include the following:

- 48 (1) Teacher candidates shall receive classroom and 49 clinical training in:
- 50 (a) The core components of reading, including phonemic 51 awareness, phonics, fluency, comprehension, morphology,
- 52 syntax, and vocabulary;

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- 53 (b) Oral and written language development; and
- (c) Identification of reading deficiencies, dyslexia, and other language difficulties;
- 56 (2) Teacher candidates shall also have training on:
- 57 (a) The selection and use of reading curricula and 58 instructional materials:
- 59 (b) The administration and interpretation of 60 assessments;
- 61 (c) How to translate assessment results into effective 62 practice in the classroom specific to the needs of students; 63 and
 - (d) Additional best practices in the field of literacy instruction as recommended by the literacy advisory council pursuant to section 186.080.
- 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
- 72 536.028. This section and chapter 536 are nonseverable and
- 73 if any of the powers vested with the general assembly
- 74 pursuant to chapter 536 to review, to delay the effective
- 75 date, or to disapprove and annul a rule are subsequently
- 76 held unconstitutional, then the grant of rulemaking
- 77 authority and any rule proposed or adopted after August 28,
- 78 2014, shall be invalid and void.

161.241. 1. The state board of education, in
collaboration with the coordinating board for higher
education and the commissioner's advisory council under
section 186.080, shall develop a plan to establish a
comprehensive system of services for reading instruction.

- 2. The state board of education shall establish and periodically update a statewide literacy plan that supports high quality, evidence-based reading instruction for all students.
- 3. The state board of education shall create an office of literacy. The commissioner of education shall coordinate staff with roles relating to literacy and align staff work around supporting best practices in reading instruction.
 - 4. The state board of education shall align literacy and reading instruction coursework for teacher education programs as required under subsection 4 of section 161.097.
 - 5. Subject to appropriation, the department of elementary and secondary education shall recruit and employ quality teacher trainers with expertise in reading instruction and provide opportunities for evidence-based professional development in reading instruction available for all active teachers.
 - 6. The department shall maintain and publish data on reading outcomes, provided that the report shall not include individually identifiable student data.
 - 7. The department shall publish criteria and examples to help districts and schools select and use evidence-based reading curricula and instructional materials.
- 8. The department shall provide online tools and training for active teachers on evidence-based reading instruction.

32 9. There is hereby created in the state treasury the 33 "Evidence-based Reading Instruction Program Fund". 34 shall be administered by the department and used to reimburse school districts and charter schools for efforts 35 to improve student literacy, including, but not limited to: 36 37 initiatives that provide optional training and materials to teachers regarding best practices in reading pedagogies; 38 39 resources for parents and quardians to assist them in 40 teaching their children to read; funding for reading 41 tutoring programs outside of regular school hours; stipends 42 for teachers who undergo additional training in reading instruction, which may also count toward professional 43 development requirements; and funding for summer reading 44 45 programs. The fund shall consist of moneys appropriated 46 annually by the general assembly from general revenue to 47 such fund, any moneys paid into the state treasury and 48 required by law to be credited to such fund and any gifts, bequests or donations to such fund. The fund shall be kept 49 separate and apart from all other moneys in the state 50 51 treasury and shall be paid out by the state treasurer 52 pursuant to chapter 33. Notwithstanding the provisions of 53 section 33.080 to the contrary, moneys in the fund at the 54 end of the biennium shall not be transferred to the credit 55 of the general revenue fund. All interest and moneys earned 56 on the fund shall be credited to the fund. 167.268. 1. Each [local] school district and charter

school shall have on file a policy for reading

- 3 [intervention] success plans [for any pupils of the district
- 4 in grades kindergarten through three pursuant to the
- 5 provisions of this section. Such plans shall identify
- 6 strategies to be followed by the district teachers to raise
- 7 a pupil identified as reading below grade level by

- 8 recognized methods to reading at grade level by the end of
- 9 the third grade. Recognized methods of identification may
- include but need not be limited to the scores of the pupil
- obtained through any established standardized testing
- 12 program currently administered by the district, observations
- of classroom teachers, and documented classroom
- 14 performance]. The success plans shall provide all parents
- 15 and guardians of students, including parents of students who
- 16 are identified as having a substantial deficiency in reading
- under subsection 1 of section 167.645, with a plan that
- 18 includes suggestions for regular parent-guided home reading.
- 19 2. [The state board of education] The department of
- 20 elementary and secondary education shall develop guidelines
- 21 to assist districts and charter schools in formulating
- 22 policies for reading [intervention] success plans. Such
- 23 quidelines may include, but are not limited to, measures of
- 24 reading proficiency, strategies for addressing reading
- 25 **deficiencies**, timelines for measuring pupil improvement in
- 26 reading, information on screening [for and treatment] and
- 27 targeted instruction for students with reading deficiencies,
- 28 including students with characteristics of [auditory]
- 29 dyslexia[, and information on the Lindamood Auditory
- 30 Conceptualization Test and the Auditory Discrimination in
- 31 Depth Program]. Such guidelines may also identify
- 32 performance levels for pupils identified as handicapped or
- 33 severely handicapped and conditions under which such pupils
- 34 are exempt from the provisions of this section and section
- 35 **167.645**.
- 36 3. [Each local school district enrolling a pupil
- identified as reading below grade level shall develop an
- individual plan of reading intervention for such pupil. The
- individual pupil's plan may include individual or group

40 reading development activities. The plan may be developed

- 41 after consultation with the pupil's parent or legal
- 42 guardian] Each school district and charter school shall
- 43 provide supplemental reading instruction to students as
- 44 provided in section 167.645.
 - 167.640. 1. School districts [may] shall adopt a
- 2 policy with regard to student promotion which may require
- 3 remediation as a condition of promotion to the next grade
- 4 level for any student identified by the district as failing
- 5 to master skills and competencies established for that
- 6 particular grade level by the district board of education.
- 7 School districts may also require parents or quardians of
- 8 such students to commit to conduct home-based tutorial
- 9 activities with their children or, in the case of a student
- 10 with disabilities eligible for services pursuant to sections
- 11 162.670 to 162.1000, the individual education plan shall
- 12 determine the nature of parental involvement consistent with
- 13 the requirements for a free, appropriate public education.
- 14 2. Such remediation shall recognize that different
- 15 students learn differently and shall employ methods designed
- 16 to help these students achieve at high levels. Such
- 17 remediation may include, but shall not necessarily be
- 18 limited to, a mandatory summer school program focused on the
- 19 areas of deficiency or other such activities conducted by
- 20 the school district outside of the regular school day.
- 21 Decisions concerning the instruction of a child who receives
- 22 special educational services pursuant to sections 162.670 to
- 23 162.1000 shall be made in accordance with the child's
- 24 individualized education plan.
- 25 3. School districts providing remediation pursuant to
- 26 this section or section 167.245 outside of the traditional
- 27 school day may count extra hours of instruction in the

calculation of average daily attendance as defined in section 163.011.

167.645. 1. [For purposes of this section, the

2 following terms mean:

- 5 as reading at a particular grade level. The term reading
- 6 assessment shall include, but is not limited to, standard
- 7 checklists designed for use as a student reads out loud,
- 8 paper-and-pencil tests promulgated by nationally recognized
- 9 organizations and other recognized methods of determining a
- 10 student's reading accuracy, expression, fluency and
- 11 comprehension in order to make a determination of the
- 12 student's grade-level reading ability. Assessments which do
- not give a grade-level result may be used in combination
- with other assessments to reach a grade-level
- determination. Districts are encouraged but not required to
- select assessment methods identified pursuant to section
- 17 167.346. Districts are also encouraged to use multiple
- methods of assessment;
- 19 (2) "Summer school", for reading instruction purposes,
- a minimum of forty hours of reading instruction and
- 21 practice. A school district may arrange the hours and days
- of instruction to coordinate with its regular program of
- summer school.
- 2. For purposes of this section, methods of reading
- assessment shall be determined by each school district.
- 26 Unless a student has been determined in the current school
- year to be reading at grade level or above, each school
- 28 district shall administer a reading assessment or set of
- assessments to each student within forty-five days of the
- 30 end of the third-grade year, except that the provisions of

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    this subsection shall not apply to students receiving
    special education services under an individualized education
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    plan pursuant to sections 162.670 to 162.999, to students
    receiving services pursuant to Section 504 of the
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    Rehabilitation Act of 1973 whose services plan includes an
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    element addressing reading or to students determined to have
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    limited English proficiency or to students who have been
    determined, prior to the beginning of any school year, to
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    have a cognitive ability insufficient to meet the reading
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    requirement set out in this section, provided that districts
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    shall provide reading improvement plans for students
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    determined to have such insufficient cognitive ability.
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    assessment required by this subsection shall also be
    required for students who enter a school district in grades
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    four, five or six unless such student has been determined in
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    the current school year to be reading at grade level or
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    above.
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         3. Beginning with school year 2002-03, for each
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    student whose third-grade reading assessment determines that
    such student is reading below second-grade level, the school
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    district shall design a reading improvement plan for the
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    student's fourth-grade year. Such reading improvement plan
    shall include, at a minimum, thirty hours of additional
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    reading instruction or practice outside the regular school
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    day during the fourth-grade year. The school district shall
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    determine the method of reading instruction necessary to
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    enforce this subsection. The school district may also
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    require the student to attend summer school for reading
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    instruction as a condition of promotion to fourth grade.
    The department of elementary and secondary education may,
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    from funds appropriated for the purpose, reimburse school
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    districts for additional instructional personnel costs
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incurred in the implementation and execution of the thirty

- 64 hours of additional reading instruction minus the revenue
- 65 generated by the school district through the foundation
- formula for the additional reading instruction average daily
- attendance.
- 4. Each student for whom a reading improvement plan
- has been designed pursuant to subsection 3 of this section
- shall be given another reading assessment, to be
- 71 administered within forty-five days of the end of such
- 72 student's fourth-grade year. If such student is determined
- 73 to be reading below third-grade level, the student shall be
- 74 required to attend summer school to receive reading
- 75 instruction. At the end of such summer school instruction,
- 76 such student shall be given another reading assessment. If
- 77 such student is determined to be reading below third-grade
- 78 level, the district shall notify the student's parents or
- 79 guardians, and the student shall not be promoted to fifth
- grade. No student shall be denied promotion more than once
- 81 solely for inability to meet the reading standards set out
- in this section.
- 83 5. The process described in subsections 3 and 4 of
- this section shall be repeated as necessary through the end
- of the sixth grade, with the target grade level rising
- 86 accordingly. Mandatory retention in grade shall not apply
- 87 to grades subsequent to fourth grade.
- 88 6. The mandatory process of additional reading
- 89 instruction pursuant to this section shall cease at the end
- 90 of the sixth grade. The permanent record of students who
- are determined to be reading below the fifth-grade level at
- 92 the end of sixth grade shall carry a notation advising that
- 93 such student has not met minimal reading standards. The
- 94 notation shall stay on the student's record until such time

95 as the district determines that a student has met minimal 96 reading standards.

- 7. Each school district shall be required to offer summer school reading instruction to any student with a reading improvement plan. Districts may fulfill the requirement of this section through cooperative arrangements with neighboring districts; provided that such districts shall timely make all payments provided pursuant to such cooperative agreements.
- 8. A school district may adopt a policy that requires retention in grade of any student who has been determined to require summer school instruction in reading and who does not fulfill the summer school attendance requirement.
- 9. Nothing in this section shall preclude a school district from retaining any student in grade when a determination is made in accordance with district policy that retention is in the best interests of the student.
 - information about the number of students receiving additional instruction pursuant to this section into any element of any standard of the Missouri school improvement program or its successor accreditation program; provided, however, each district shall make available, upon the request of any parent, patron, or media outlet within the district, the number and percentage of students receiving remediation pursuant to this section. The information shall be presented in a way that does not permit personal identification of any student or educational personnel.
- identification of any student or educational personnel.

 11. Each school district shall make a systematic

 124 effort to inform parents of the methods and materials used

 125 to teach reading in kindergarten through fourth grade, in

 126 terms understandable to a layperson and shall similarly

127 inform parents of students for whom a reading improvement plan is required pursuant to this section] Each school 128 129 district and charter school shall assess all students 130 enrolled in kindergarten through grade three at the beginning of each school year for their level of reading or 131 132 reading readiness on locally determined or statewide assessments. Each school district and charter school shall 133 134 provide evidence-based reading instruction, including 135 explicit systematic phonics as defined in section 170.014, 136 to any student who exhibits a substantial deficiency in 137 reading, based upon the assessment or through teacher The student's reading proficiency shall be 138 observations. reassessed by locally determined or statewide assessments. 139 140 The student shall continue to be provided with intensive 141 reading instruction until the reading deficiency is remedied. The district or charter school shall notify the 142 2. 143 parent or guardian of any student in kindergarten through grade three who exhibits a substantial deficiency in 144 reading, as described in subsection 1 of this section, at 145 146 least annually in writing, and in an appropriate, 147 alternative manner for the parent or other guardian if necessary, of the following: 148 149 That the child has been identified as having a (1) 150 substantial deficiency in reading;

- 151 (2) A description of the services currently provided 152 to the child;
- 153 (3) A description of the proposed supplemental 154 instructional services and supports, including explicit 155 systematic phonics as defined in section 170.014, that the 156 school district will provide to the child that are designed 157 to remediate the identified area of reading deficiency;

- 158 (4) Strategies for parents and guardians to use in 159 helping the child succeed in reading proficiency, including 160 but not limited to the promotion of parent-guided home 161 reading.
- 3. If the school district or charter school provides a summer reading program under this section, the district or charter school shall notify the parent or guardian of each student who exhibits a substantial deficiency in reading of the opportunity to attend the summer reading program.
- If a student has a substantial reading deficiency 167 at the end of third grade, the student's parent or guardian 168 and appropriate school staff shall discuss whether the 169 student should be retained in grade level, based on a 170 consideration of all relevant factors, including the reading 171 172 deficiency, the student's progress in other subject areas, 173 and the student's overall intellectual, physical, emotional, 174 and social development. A decision to promote or retain a student with a substantial reading deficiency at the end of 175 grade three shall be made only after direct personal 176 177 consultation with the student's parent or guardian and after 178 the formulation of a specific plan of action to remedy the student's reading deficiency. 179
- 180 5. Each school district or charter school shall do all 181 of the following:
- (1) Provide students who are identified as having a substantial deficiency in reading under subsection 1 of this section with intensive instructional services and supports specified in a reading success plan, as appropriate, free of charge, to remediate the identified areas of reading deficiency, including additional scientific, evidence-based reading instruction and other strategies prescribed by the

school district or charter school which may include but are not limited to the following:

- 191 (a) Small group instruction;
- 193 (c) More frequent progress monitoring;
- 194 (d) Tutoring or mentoring;
- 195 (e) Extended school day, week, or year; and
- 196 (f) Summer reading programs;

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- 197 (2) At regular intervals, but no less than four times
 198 per year in a manner that reflects progress through each
 199 school term, notify the parent or guardian of academic and
 200 other progress being made by the student and give the parent
 201 or guardian other useful information;
 - (3) In addition to required reading enhancement and acceleration strategies, provide all parents of students, including parents of students who are identified as having a substantial deficiency in reading under subsection 1 of this section, with a plan that includes suggestions for regular parent-guided home reading.
 - 6. Each school district and charter school shall establish a reading development initiative designed to offer intensive reading instruction to each kindergarten through grade three student who is assessed as exhibiting a substantial deficiency in reading. The initiative shall comply with all of the following criteria:
 - (1) Be provided to all kindergarten through grade three students who exhibit a substantial deficiency in reading under this section. The assessment initiative shall measure phonemic awareness, phonics, fluency, vocabulary, and comprehension;
- 219 (2) Be provided during regular school hours;

- 220 (3) Provide a reading curriculum that meets the 221 requirements of section 170.014, and at a minimum has the 222 following specifications:
- 223 (a) Assists students assessed as exhibiting a 224 substantial deficiency in reading to develop the skills to 225 read at grade level;
- 226 (b) Provides skill development in phonemic awareness, 227 phonics, fluency, vocabulary, and comprehension;
- (c) Includes a scientifically based and reliable assessment:
- 230 (d) Provides initial and ongoing analysis of each 231 student's reading progress;
- (e) Is implemented during regular school hours; and
- 233 (f) Provides a curriculum in core academic subjects to 234 assist the student in maintaining or meeting proficiency 235 levels for the appropriate grade in all academic subjects.
- 7. School districts and charter schools shall report
 to the department the specific intensive reading
 interventions and supports implemented by the school
 district or charter school pursuant to this section. The
 department shall annually prescribe the components of
 required or requested reports.
- 242 8. (1) To ensure all children are reading 243 proficiently by the end of third grade, each school district 244 shall address reading proficiency as part of its comprehensive school improvement plan and each charter 245 school shall address reading proficiency as provided by 246 247 contract with the sponsor, drawing upon information about children from assessments conducted pursuant to subsection 1 248 249 of this section and the prevalence of deficiencies 250 identified by classroom, elementary school, and other 251 student characteristics. As part of its comprehensive

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school improvement plan or contract, each school district or 252 charter school shall review chronic early elementary 253 254 absenteeism for its impact on literacy development. 255 than fifteen percent of an attendance center's students are 256 not proficient in reading by the end of third grade, the 257 comprehensive school improvement plan or contract shall include strategies to reduce that percentage, including 258 259 school and community strategies to raise the percentage of 260 students who are proficient in reading.

- (2) Each school district and charter school shall provide professional development services to enhance the skills of elementary teachers in responding to children's unique reading issues and needs and to increase the use of evidence-based strategies.
- 170.014. 1. This section shall be known as the "Reading Instruction Act" and is enacted to ensure that all 2 3 public schools establish reading programs in kindergarten through grade three based in scientific research. 4 5 programs shall include the essential components of phonemic 6 awareness, phonics, fluency, vocabulary, and comprehension, and all new teachers who teach reading in kindergarten 7 8 through grade three shall receive adequate training in these 9 areas.
- 2. The program described in subsection 1 of this section [may] shall include "explicit systematic phonics"

 for all students, which, for the purposes of this section and section 167.645, shall mean the methodology of pronouncing and reading words by learning the phonetic sound association of individual letters, letter groups, and syllables, and the principles governing these associations.

3. Every public school in the state shall offer a reading program as described in subsection 1 of this section for kindergarten through grade three.

186.080. 1. The commissioner of education shall establish a literacy advisory council. The council shall consist of at least twelve and no more than twenty members, appointed by the commissioner, and shall include members representing the following stakeholder groups:

6 (1) School boards;

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- 7 (2) Charter schools;
 - (3) School superintendents;
- 9 (4) Elementary and secondary building principals;
- 10 (5) At least three teachers, including at least two 11 teachers with expertise in reading instruction;
- 12 (6) At least two special education educators;
- 13 (7) At least two parents of elementary and secondary 14 school-age pupils who have struggled with literacy 15 proficiency;
- 16 (8) At least two community members who have struggled 17 with literacy proficiency or supported others who have 18 struggled with literacy proficiency, at least one of whom 19 shall be a high school student;
 - (9) Dyslexia advocacy groups;
- 21 (10) Faculty members of institutions of higher 22 education with approved teacher preparation programs; and
- 23 (11) Professionals with expertise in educational 24 assessment data analysis.
- 2. The council shall meet at least twice per year to review best practices in literacy instruction and related policy provisions. The department shall provide necessary staff and resources for the work of the advisory council.

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- 29 3. The council shall periodically provide 30 recommendations to the commissioner and the state board of 31 education regarding any identified improvements to literacy instruction and policy for students. The recommendations 32 33 may include recommendations for changes to state law, and 34 the commissioner shall furnish any such recommendations to the joint committee on education. 35
 - The council recommendations shall:
- 37 Advise the department of elementary and secondary education on how to implement and maintain the statewide literacy plan required under section 161.241 and advise the department, school districts and charter schools on ways to 41 inform and engage parents and other community members about 42 the literacy plan;
- 43 Provide advice as to what services the department 44 should provide to school districts and charter schools to 45 support implementation of the plan and on staffing levels and resources needed at the department to support the 46 statewide effort to improve literacy; 47
- Develop a plan for collecting literacy-related 48 49 data that informs:
- 50 Literacy instructional practices; (a)
- 51 Teacher professional development in the field of (b) 52 literacy;
- 53 What proficiencies and skills should be measured 54 through literacy assessments and how those assessments are 55 incorporated into local assessment plans; and
- How to identify school progress in achieving 56 literacy outcomes, including closing literacy gaps for 57 58 students from historically underserved populations;

- 60 instruction within a multi-tiered system of supports to best 61 improve and sustain literacy proficiency;
- 62 (5) Review literacy assessments and outcomes and 63 provide ongoing advice as to how to continuously improve 64 those outcomes and sustain improvement; and
- 65 (6) Provide a means for members of the public to 66 provide input and ask questions concerning literacy issues.

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